

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
**BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING**  
P.O. BOX 37200  
WASHINGTON, D.C. 20013-7200

Find enclosed a list of buildings against which condemnation proceedings have been instituted. This list is current as of **November, 2005**. The following paragraphs will give some insight into why these buildings were condemned and the meaning of condemnation for insanitary reasons.

Each listed property has been condemned by the District of Columbia Government's Board for the Condemnation of Insanitary Buildings (BCIB). The authority for this board is Title 6, Chapter 9, of the District of Columbia Code, 2001 Edition. The BCIB has examined each property and has registered with the record owner (via condemnation) a strong disapproval of the condition in which the property is being maintained. The BCIB has recorded at the Office of the Recorder of Deeds an Order of Condemnation against each property for the benefit of purchasers and the real estate industry.

These properties were condemned because they were found to be in such an insanitary condition as to endanger the health and lives of persons living in or in the vicinity of the property. The corrective action necessary to remove the condemnation order could take the form of demolition and removal of the building by the owner or the BCIB. However, most buildings are rendered sanitary, i.e., the insanitary conditions are corrected by the owner or the BCIB.

The administration of the condemnation program does not take title to property. The title to each property remains with the owner. Accordingly, inquiries for the sale or value of these properties should be directed to the owner of record. Inquiries regarding the owner or owner's address should be directed to the Office of Tax and Revenue, Customer Service, Office of Real Property Tax (202) 727-4829, 941 North Capitol Street, NE, 1<sup>st</sup> floor.

For further assistance, contact the Support Staff of the BCIB on 442-4486.

THE BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING

Enclosure:

**BOARD FOR  
THE CONDEMNATION OF INSANITARY BUILDINGS**

**NOTICE OF PUBLIC INTEREST**

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest</u>			
1102 Buchanan Street	124	2918	4
1102 Buchanan Street-Rear	124	2918	4
5109 Connecticut Avenue	48	1989	3
5109 Connecticut Avenue	48	1989	3
5109 Connecticut Avenue-Rear	48	1989	3
1323 Corcoran Street	21	240	2
1461 Florida Avenue	147	2660	1
3003 Georgia Avenue	111	3052	1
3200 Georgia Avenue	909	2892	1
4607 Georgia Avenue	16	3015	4
616 Irving Street	146	3052	1
4907 Kansas Avenue	77	3252	4
641 Keefer Place	19	3041	1
440 Kenyon Street	43	3049	1
709 Kenyon Street	806	2892	1
416 Luray Place-Rear	77	3044	1
1000 M Street	57	341	2
37 Missouri Avenue	39	3393	4
39 Missouri Avenue	40	3393	4
1824 Monroe Street	813	2614	1
1320 North Capitol Street	154	617	5
1424 North Capitol Street	10	616	5
1426 North Capitol Street	836	616	5
86 O Street	201	617	5
405 O Street	802	511	2
509 O Street	479	2001/2002	2
1427 Q Street	9	208	2
750 Quebec Place	201	3031	1
1001 Quebec Place	63	2902	4
930 Quincy Street	95	2901	4
936 Quincy Street	92	2901	4
1000 Rhode Island Avenue	19	337	2
3620 RCC Road	121	2831	1
719 S Street	38	417	1
423 Shepherd Street	38	3238	4
423 Shepherd Street-Rear	38	3238	4

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<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (Cont'd)</u>			
815 T Street	23	393	1
723 T Street	27	416	1
725 T Street	821	416	1
727 T Street	822	416	1
333 U Street	21	3086	1
613 Upshur Street	72	3226	4
613 Upshur Street-Rear	72	3226	4
215 Whittier Street-Rear	820	3363	4
1329 Wisconsin Avenue	68	1232	2
1333 1 <sup>st</sup> Street	193	617	5
1401 1 <sup>st</sup> Street	814	616	5
1202 3 <sup>rd</sup> Street	837	523	2
1506 3 <sup>rd</sup> Street	818	521	5
1215 4 <sup>th</sup> Street	813	523	6
1221 4 <sup>th</sup> Street	848	523	2
1425 5 <sup>th</sup> Street	511	817	2
1427 5 <sup>th</sup> Street	818	511	2
1632 6 <sup>th</sup> Street	818	521	5
1905 8 <sup>th</sup> Street	802	416	1
1905 8 <sup>th</sup> Street -Rear	802	416	1
1301 9 <sup>th</sup> Street	801	399	2
1303 9 <sup>th</sup> Street	62	399	2
1305 9 <sup>th</sup> Street	63	399	2
1307 9 <sup>th</sup> Street	803	399	2
1309 9 <sup>th</sup> Street	804	399	2
1715 11 <sup>th</sup> Street	10	335	2
3007 11 <sup>th</sup> Street	99	2851	1
4601 13 <sup>th</sup> Street	48	2920	4
2208 14 <sup>th</sup> Street	30	202	1
3350 17 <sup>th</sup> Street	93	2612	1
3350 17 <sup>th</sup> Street-Rear	93	2612	1
3222 19 <sup>th</sup> Street	817	2604	1
3222 19 <sup>th</sup> Street-Rear	817	2604	1

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast</u>			
1033-39 Bladensburg Road	807	4473	5
3027 Channing Street	54	4360	5
3042 Clinton Street	826	4319	5
1369 Florida Avenue	129	1026	6

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<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast (Cont'd)</u>			
1369 Florida Avenue-Rear	129	1026	6
2001-R Gales St-Rear #1	800	4525	7
2001-R Gales St-Rear #2	800	4525	7
2001-R Gales St-Rear #3	800	4525	7
2001-R Gales St-Rear #4	800	4525	7
2001-R Gales St-Rear #5	800	4525	7
2001-R Gales St-Rear #6	800	4525	7
2001-R Gales St-Rear #7	800	4525	7
2001-R Gales St-Rear #8	800	4525	7
2001-R Gales St-Rear #9	800	4525	7
2001-R Gales St-Rear #10	800	4525	7
1511 Isherwood Street	176	4544	6
303 K Street	804	775	6
4502 Lee Street	148	5155	7
4510 Lee Street	144	5155	7
1227 Meigs Place	106	4055	5
1427 Minnesota Avenue-Rear	802	5077	7
1405 Montello Avenue	28	4060	5
4915 NHB Avenue	42/43	5182	7
5706 NHB Avenue	10	5214	7
1309 North Carolina Avenue	115	1035	6
1524 Olive Street-Rear	34	5165	7
1243 Owen Place	188	4060	5
115 Riggs Road	85	3701	5
6320 Southern Avenue	27	5269	7
1741 Trinidad Avenue	26	4082	5
234 V Street	11	3561	5
415 W Street	41	3601	5
1020 3 <sup>rd</sup> Street	34	749	6
1022 3 <sup>rd</sup> Street	33	749	6
1811 3 <sup>rd</sup> Street	7	3570	5
819 8 <sup>th</sup> Street	28	911	6
1012 9 <sup>th</sup> Street	807	909	6
214 15 <sup>th</sup> Street	106	1055	6
3721 30 <sup>th</sup> Place	814	4304E	5
1136 47 <sup>th</sup> Place	137	5155	7
1202 47 <sup>th</sup> Place	60	5160	7
1227 47 <sup>th</sup> Place	39	5160	7
832 48 <sup>th</sup> Street	812	5150	7
1017 48 <sup>th</sup> Street	10	5153	7

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<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast</u>			
1751 A Street	63	1097	6
1751 A Street-Rear	63	1097	6
5032 Benning Road	37	5340	7
10 Brandywine Street	804	6170	8
4915 C Street	28	5336	7
4926 Call Place	33	5336	7
4930 Call Place	32	5336	7
5000 Call Place	35	5323	7
1425 Congress Place	48	5889	8
1107 D Street	50	992	6
3326 Ely Place	807	5444	6
647 G Street	139	878	6
3009 G Street	807	5480	7
1239 Goodhope Road	89	3033	8
1909 Martin Luther King Jr	829	5770	8
1911 Martin Luther King Jr	829	5770	8
1913 Martin Luther King Jr	829	5770	8
2228 Martin Luther King Jr	810	5802	8
2234 Martin Luther King Jr	811	5802	8
2238 Martin Luther King Jr	978	5802	8
2629 Martin Luther King Jr-East	192	5867	8
2629 Martin Luther King Jr-West	192	5867	8
3600 Martin Luther King Jr	42	5331	7
917 New Jersey Avenue	15	738	6
919 New Jersey Avenue	16	738	6
921 New Jersey Avenue	17	738	6
923 New Jersey Avenue	18	738	6
1008 South Carolina Avenue	23	970	6
1225 Sumner Road	980	5865	8
1242 W Street	99	5782	8
1518 W Street	814	5779	8
1708 W Street	154	5778	8
4010 3 <sup>rd</sup> Street	806	6167	8
4014 3 <sup>rd</sup> Street	804	6167	8
3020 7 <sup>th</sup> Street	50	5953	8
102 9 <sup>th</sup> Street	801	943	6

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<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southwest</u>			
78 Darrington Street-Rear	23	6223S	8
71 Forrester Street	67	6240	8
10 N Street	60	653	6

## DISTRICT OF COLUMBIA REGISTER

## DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

## BOARD FOR

## THE CONDEMNATION OF INSANITARY BUILDINGS

## NOTICE OF PUBLIC INTEREST

The Director of the Department of Consumer and Regulatory Affairs, in accordance with section 742 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, as amended, D.C. Code section 1-1504 (1999 Repl.), hereby gives notice that the Board for the Condemnation of Insanitary Buildings' (BCIB) regular meetings will be held on the dates listed below for calendar year 2006, (the second and fourth Wednesday of each month). The meetings will begin at 10:00 a.m. in Room 7100 of 941 North Capitol Street, NW, Washington, D.C. 20002.

2006

January 11th

January 25th

July 12th

July 26th

February 8th

February 22nd

August 9th

August 23rd

March 8th

March 22nd

September 13th

September 27th

April 12th

April 26th

October 11th

October 25th

May 10th

May 24th

November 8th

November 22nd

June 14th

June 28th

December 13th

December 27th

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These regularly scheduled meetings of the BCIB are open to the public. Please call the Building Condemnation Division on (202) 442-4322 or 442-4486 for further information or for changes in this schedule.

**BOARD OF ELECTIONS AND ETHICS**  
**CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in **twelve (12)** Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed.

**VACANT:**           **4B01**

Petition Circulation Period: **Wednesday, December 7, 2005 thru Tuesday, December 27 2005**  
Petition Challenge Period: **Friday, December 30, 2005 thru Friday, January 6, 2006**

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**VACANT:**           **3D07**  
                          **5C10**  
                          **6B11**  
                          **8B02, 8B03, 8C05, 8C06, 8E01, 8E06**

Petition Circulation Period: **Tuesday, December 27, 2005 thru Tuesday, January 17, 2006**  
Petition Challenge Period: **Friday, January 20, 2006 thru Thursday, January 26, 2006**

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Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

D.C. Board of Elections and Ethics  
441 - 4<sup>th</sup> Street, NW, Room 250N

For more information, the public may call **727-2525**.



**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS**

**Certification of Filling a Vacancy  
In Advisory Neighborhood Commission**

Pursuant to D.C. Code section §1-309.06 (d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics ("Board") from the affected Advisory Neighborhood Commission, the Board hereby certifies that a vacancy has been filled in the following single member district by the individual listed below:

**Wilson Reynolds  
Single Member District 1C07**

**DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS**  
**MONTHLY MEETINGS**

Scheduled for the months of January 2006 through December 2006

*(All meetings are held at 441 Fourth Street, NW, Room 280 North)*

<b>DATE</b>	<b>TIME</b>	<b>ROOM NUMBER</b>
Wednesday, January 4, 2006	10:30 AM	Room 280 North
Wednesday, February 1, 2006	10:30 AM	Room 280 North
Wednesday, March 1, 2006	10:30 AM	Room 280 North
Wednesday, April 5, 2006	10:30 AM	Room 280 North
Wednesday, May 3, 2006	10:30 AM	Room 280 North
Wednesday, June 7, 2006	10:30 AM	Room 280 North
Wednesday, July 5, 2006	10:30 AM	Room 280 North
Wednesday, August 2, 2006	10:30 AM	Room 280 North
Wednesday, September 6, 2006	10:30 AM	Room 280 North
Wednesday, October 4, 2006	10:30 AM	Room 280 North
Wednesday, November 1, 2006	10:30 AM	Room 280 North
Wednesday, December 6, 2006	10:30 AM	Room 280 North

***Please note: This Schedule is subject to change.***

DEPARTMENT OF HEALTHNOTICE OF CERTIFICATION

The Director of the Department of Health, pursuant to the authority set forth in Reorganization Plan No 4 of 1996, hereby gives notice of certification of a new drug to the formulary of the District of Columbia Acquired Immunodeficiency Syndrome Drug Assistance Program ("ADAP"). The new drug that has been approved by the U.S. Food and Drug Administration ("FDA") and is now certified for addition to the ADAP formulary is Aptivus (Tipranavir). The FDA approved Aptivus on June 23, 2005.

ADAP is designed to assist low income individuals with Acquired Immunodeficiency Syndrome (AIDS) or related illnesses to purchase certain physician-prescribed, life-sustaining drugs that have been approved by the U.S. Food and Drug Administration for the treatment of AIDS and related illnesses. Rules for this Program may be found at 29 DCMR § 2000 *et seq.*

For further information, please contact Christy Pleze-Best, Public Health Analyst, AIDS Drug Assistance Program, HIV/AIDS Administration on (202) 671-4900.

**DISTRICT OF COLUMBIA REGISTER**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**Notice of Availability of the "District of Columbia Consolidated Annual Performance and  
Evaluation Report (CAPER) for Fiscal Year 2005"**

**and**

**A Technical Amendment to the Citizen Participation Plan for Review and Comment**

Jalal Greene, Director, Department of Housing and Community Development (DHCD), announces the availability of the "District of Columbia Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2005." The CAPER, which was submitted to the U.S. Department of Housing and Urban Development (HUD) on or before December 31, 2005, details and assesses the District of Columbia's performance in carrying out its FY 2005 (October 1, 2004-September 30, 2005) Consolidated Action Plan. The Plan details activities to meet the city's priority community needs under the following federal entitlement programs:

- **Community Development Block Grant Program (CDBG)**
- **Home Investment Partnerships Program (HOME)**
- **Emergency Shelter Grant Program (ESG), and**
- **Housing Opportunities for Persons with AIDS Program (HOPWA)**

The CAPER will be available beginning January 6, 2006, at DHCD, 801 North Capitol Street, N.E., 8th floor, Washington, D. C. 20002; all public library branches, Advisory Neighborhood Commission (ANC) offices, and the community-based organizations listed below. It will also be available on the agency's website.

Also available for a 30-day comment period is a proposed technical amendment to the DHCD Citizen Participation Plan. The technical amendment will be available starting on January 6, 2006, at the same locations. Comments on the technical amendment should be provided to DHCD no later than February 6, 2006.

Housing Counseling Services, Inc. 2430 Ontario Road, NE (202) 667-7066	University Legal Services 3220 Pennsylvania Avenue, S.E. (Suite 4) (202) 645-7175	Lydia's House 3939 South Capitol St., SW (202) 373-1050	Marshall Heights Community Development Organization 3939 Benning Rd, NE (202) 396-1200
Latino Economic Development Corporation 2316 18th Street, NW (202) 588-5102	University Legal Services 300 "T" Street, NE (202) 547-4747	Central American Resources Center 1460 Columbia Rd. NW (202) 328-9799	

Please contact Ms. Pamela Hillsman-Johnson, DHCD's Community Development Resource Specialist, at (202) 442-7256, if you have any questions regarding the CAPER and/or to provide comments on the technical amendment to the Citizen Participation Plan. Comments can be submitted by e-mail ([Pamela.Hillsman@dc.gov](mailto:Pamela.Hillsman@dc.gov)), by telephone at the number provided, or mailed to: Mr. Jalal Greene, Director, Department of Housing and Community Development, 801 North Capitol St. NE, Washington, DC 20002.

**Anthony A. Williams, Mayor**  
**Stanley Jackson, Deputy Mayor for Planning and Economic Development**  
**Jalal Greene, Director, DHCD**  
[www.dhcd.dc.gov](http://www.dhcd.dc.gov)

The Public Charter Schools Center for Student Support Services  
1003 K Street, NW  
Washington, DC 20001

**NOTICE REQUEST FOR BIDS**

*The Public Charter Schools Center for Student Support Service, in accordance with section 2204(c)(1)(A) of the DC School Reform Act of 1995 (Public Law 104-134), and as an administrative agency for an Emergency and Crisis Management Grant from the US Department of Education to Hyde Public Charter School, is seeking proposals for full services over a 15 month period commencing in February 2006. The program will serve 28 charter schools on 31 campuses.*

This consultancy should begin February 1, 2006 and be completed no later than March 31, 2005.

**How to submit a proposal**

Bid documents containing information including location of the campuses and the scope of work and qualifications required can be obtained by contacting Roz Fuller at **202-628-8848 ext 104**, PCS Center for Student Support Services, 1003 K Street, NW, Suite 405, Washington, DC 20001, or e-mail [rfuller@csss.org](mailto:rfuller@csss.org). Early bids are encouraged. A firm estimate of fees to be charged is required. Bids will be analyzed on total professional services, qualifications met, recommendations provided, as well as a guaranteed maximum price for specified services. **Final bids are due January 10, 2006.**

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, NW, SUITE 200, WEST TOWER,  
WASHINGTON, DC 20005

NOTICE OF APPOINTMENT OF COMMISSION SECRETARY OF THE  
PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

December 9, 2005

The Public Service of the District of Columbia ("Commission") hereby gives notice of the appointment of Dorothy Wideman as Commission Secretary, effective November 14, 2005. All parties of record shall address future filings and correspondence to Dorothy Wideman, Commission Secretary. Notice of this appointment has been submitted to the *D.C. Register* and has been served on the parties of record in those proceedings listed in the attached Appendix.

## APPENDIX TO NOTICE OF APPOINTMENT

Formal Case No. 568, In The Matter Of The Application of Potomac Electric Power Company For An Increase In Its Rates For Retail Electric Service;

Formal Case No. 712, In The Matter Of The Commission's Fuel Adjustment Clause Audit And Review Program;

Formal Case No. 787, In The Matter Of The Application Of Washington Gas Light Company For Authority To Increase Existing Rates And Charges For Gas Service;

Formal Case No. 813, In The Matter Of The Potomac Electric Power Company Filing Of The 1991 Updated Schedule Of The Cogeneration-Small Power Producer;

Formal Case No. 814, Phase IV, In The Matter Of The Investigation Into The Impact Of The AT&T Divestiture and Decisions Of The Federal Communications Commission On Verizon Washington, DC Inc.'s Jurisdictional Rates;

Formal Case No. 827, In The Matter Of The Application Of The Chesapeake And Potomac Telephone Company For Authority To Increase And Restructure Its Schedule Of Rates And Charges

Formal Case No. 828, In The Matter Of The Application Of The Chesapeake And Potomac Telephone Company For Authority To Amend The General Services Tariff, No. 203 To Implement Tariff Changes For New Centrex Offerings;

Formal Case No. 850, In The Matter Of The Investigation Into The Reasonableness Of The Authorized Return On Equity, Rate of Return, And Current Charges And Rates For Telecommunications Services Offered By The Chesapeake And Potomac Telephone Company;

Formal Case No. 869, In The Matter Of The Application of Potomac Electric Power Company For An Increase In Its Retail Rates For The Sale of Electric Energy;

Formal Case No. 874, In The Matter of Gas Acquisition Strategies of Washington Gas Light Company, District of Columbia Division;

Formal Case No. 892, In The Matter Of The Approval Of Competitive Local Exchange Carriers To Provide Telecommunications Services In The District Of Columbia;

Formal Case No. 922, In The Matter Of Washington Gas Light Company, District of Columbia Division, Authority To Increase Existing Rates And Charges For Gas Services;

Formal Case No. 945, In The Matter Of The Investigation Into Electric Service Market Competition And Regulatory Practices;

Formal Case No. 950, In The Matter Of The Investigation Into The Payment Center Operations Of Verizon Washington, DC Inc.;

Formal Case No. 962, In The Matter Of The Implementation Of The District Of Columbia Telecommunications Competition Act of 1996 and Implementation Of The Telecommunications Act of 1996;

Formal Case No. 982, In The Matter Of The Investigation Of Potomac Electric Power Company Regarding Interruption To Electric Energy Service During The Period January 14 – 19, 1999

Formal Case No. 988, In The Matter Of The Development Of Universal Services Standards And The Universal Service Trust Fund For The District Of Columbia;

Formal Case No. 989, In The Matter Of The People's Counsel's Complaint For A Commission-Ordered Investigation Into The Reasonableness Of Washington Gas Light Company's Existing Rates, And In The Matter Of The Application Of Washington Gas Light Company, District Of Columbia Division, For Authority To Increase Existing Rates And Charges For Gas Services;

Formal Case No. 990, In The Matter Of The Development Of Local Exchange Carrier Quality Of Service Standards For The District;

Formal Case No. 991, In The Matter Of The Investigation Into Explosions Occuring In Or Around The Underground Distribution System Of The Potomac Electric Power Company;

Formal Case No. 1000, In The Matter Of The Application Of Verizon Washington, DC, Inc. For A Certificate Of Authority Authorizing It To Issue Debt Securities;

Formal Case No. 1002, In The Matter Of The Joint Application Of Pepco And New RC, Inc. For Authorization And Approval Of Merger Transaction;

Formal Case No. 1005, In The Matter Of Verizon Washington, DC Inc. Price Cap Plan 2002 For The Provision Of Local Telecommunications Services In The District Of Columbia;

Formal Case No. 1007, In The Matter Of A Proposed Public Utility Emergency Relief Plan;

Formal Case No. 1008, In The Matter Of The Investigation Of Washington Gas Light Company's Billing Systems, Practices And Procedures;



Formal Case No. 1009, In The Matter Of The Investigation Into Affiliated Activities, Promotional Practices, And Codes Of Conduct Of Regulated Gas And Electric Companies;

Formal Case No. 1017, In The Matter Of The Development And Designation Of Standard Offer Service In The District Of Columbia;

Formal Case No. 1018, In the Matter of The Application of Potomac Electric Power Company for a Certificate Authorizing It To Issue And Sell Debt Securities, Including, But Not Limited To, One Or More Series Of First Mortgage Bonds And/Or One Or More Series Of Debtors And/Or One Or More Series Of Notes And/Or One Or More Series Of Hybrid Securities, And/Or One Or More Series Of Serial Preferred Of Preference Stock (Including Newly Created Classes Or Preferred Or Preference Stock And Serial Preferred) In An Aggregate Amount Not To Exceed \$1,100,000,000.00;

Formal Case No. 1020, In The Matter Of The Complaint Of The Office Of The People's Counsel For A Commission-Ordered Investigation Of Washington Gas Light Company's Failure To Hedge A Portion Of Its Natural Gas Supply Portfolio for 2003-2004;

Formal Case No. 1023, In The Matter Of The Investigation Into The Effect Of The Bankruptcy Of Mirant Corporation On Retail Electric Service In The District Of Columbia;

Formal Case No. 1024, In The Matter Of The Implementation Of The Triennial Review Order In The District Of Columbia;

Formal Case No. 1026, In The Matter Of The Investigation Of The Feasibility Of Removing Pre-existing above Ground Utility Lines And Cables, And Relocating Them Underground In The District Of Columbia;

Formal Case No. 1027, In The Matter Of The Emergency Petition Of The Office Of The People's Counsel For An Expedited Investigation Of The Distribution System Of Washington Gas Light Company;

Formal Case No. 1031, In The Matter Of The Complaint Of AT&T Communications Of Washington, DC, LLC Against Verizon Washington, DC, Inc. Regarding The "Four Line Carveout";

Formal Case No. 1033, In The Matter Of The Petition Of the Office Of The People's Counsel Requesting A Declaratory Ruling Regarding The Washington Gas Light Company's Budget Plan;

Formal Case No. 1034, In The Matter Of The Application Of Verizon Washington, DC, Inc. For Authority To Issue \$250,000,000.00 Principal Amount Of Long-Term Securities;

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Formal Case No. 1035, In The Matter Of The Joint Application Of SBC Communications Inc., AT&T Corporation And Its Certificated District Of Columbia Subsidiaries For Approval Of a Merger;

Formal Case No. 1036, In The Matter Of The Joint Application Of Verizon Washington, DC Inc.'s Proposed Acquisition Of MCI, Inc.;

Formal Case No. 1037, In The Matter Of The Investigation Into The Omnibus Utility Emergency Amendment Act Of 2005, Specifically Regarding The Establishment Of The Natural Gas Trust Fund Program;

Formal Case No. 1039, In The Matter Of The Petition Of The Office Of The People's Counsel For An Investigation Of The Potomac Electric Power Company's Billing System's Practices And Procedures;

Formal Case No. 1040, In The Matter Of The Investigation Into Verizon Washington, DC Inc.'s Universal Emergency Number 911 Services Rates In The District Of Columbia;

Formal Case No. 1041, In The Matter Of The Investigation Into Washington Gas Light Company Compliance With Its Tariffs;

Formal Case No. 1042, In The Matter Of The Application Of Washington Gas Light For A Certificate Of Authority Authorizing It To Issue Debt Securities And Preferred Stock;

Formal Case No. 1043, In The Matter Of The Petition Of The Office Of The People's Counsel Requesting An Investigation Into The Impact Of Rising Natural Gas Prices On the District Of Columbia Consumers For The Purpose Of Developing Solutions To Minimize The Impact;

Formal Case No. 1044, In The Matter Of The Emergency Application Of The Potomac Electric Power Company For A Certificate Of Public Convenience And Necessity To Construct Two (2) 69kV Overhead Transmission Lines And Notice Of The Proposed Construction Of Two (2) 230 kV Underground Transmission Lines;

EA00-3, In The Matter Of The Application Of Pepco Energy Services, Inc. For An Electricity Supplier License;

EA00-4, In The Matter Of The Application Of FirstEnergy Services Corporation For An Electricity Supplier License;

EA01-4, In The Matter Of The Application Of Dominion Retail, Inc. For An Electricity Supplier License;

EA01-7, In the Matter Of The Application Of MAAGIC LLC For Approval To Be Licensed As An Aggregator In The District of Columbia

EA02-1, In The Matter Of The Application Of BGE Home Independent Consortium For Approval to be Licensed As an Aggregator In The District Of Columbia;

EA04-1, In The Matter Of The Application Of Reliant Energy Solutions East, LLC For Approval For A License To Offer, Render, Furnish, Or Supply Electricity As A Marketer To The Public In The District Of Columbia;

EA04-2, In The Matter Of The Application Of The Select Energy Inc For Approval For A License To Offer, Alternative Electricity To the Public In The District Of Columbia;

EA04-5, In The Matter Of The Application Of EnergyWindow, Inc. For Approval Of A License To Conduct Business As an Electricity Supplier To the Public In The District Of Columbia;

EA04-6, EA05-1, EA05-2, EA05-3, EA05-4, EA05-5, In The Matter Of The Application of An Electric Company For Approval Of A License To Provide Electricity To The Public In The District Of Columbia;

ET00-2, In The Matter Of The Investigation Into Potomac Electric Power Company's Public Space Occupancy Surcharge;

GA03-2, GA03-3, GA03-4, GA03-5, GA03-6, GA04-3, GA04-6, In The Matter Of The Application of A Gas Company For A License To Supply Natural Gas To The Public In The District Of Columbia;

GT96-2, In The Matter Of The Application Of Washington Gas Light Company District Of Columbia Division For Authority To Amend Residential FDS Pilot Program Tariff Provision;

GT97-3, In The Matter Of The Application Of Washington Gas Light Company District Of Columbia Division For Authority To Amend To Offer Firm Delivery Service To Small Non-Residential Customers;

GT00-2, In The Matter Of The Application Of Washington Gas Light Company, District Of Columbia Division Public Occupancy Surcharge;

GT01-1, In The Matter Of The Application Of Washington Gas Light Company, District Of Columbia Division For Authority To Amend Its General Service Provisions No.-16 Purchase Gas Charge (PGC) of P.S.C.-D.C. No.3;

GT02-1, In The Matter Of The Application Of Washington Gas Light Company, District Of Columbia Division For Authority To Amend Its General Service, Rate Schedule No. 5, Firm Delivery Service Gas Supplier Agreement;

GT04-1, In The Matter Of The Application Of Washington Gas Light Company Requests Permission To Revise General Service Provision No. 13 and Provision No. 14;

GT05-1, In The Matter Of The Application Of Washington Gas Light Company For Authority To Amend Its Budget Payment Plan Tariff;

TA01-3 through TA01-26, In The Matter Of The Approval Of Competitive Local Exchange Carrier to Provide Telecommunications Services In The District Of Columbia;

TA02-1 through TA02-14, In The Matter Of The Approval Of Competitive Local Exchange Carrier to Provide Telecommunications Services In The District Of Columbia;

TA03-1 through TA03-13, In The Matter Of The Approval Of Competitive Local Exchange Carrier to Provide Telecommunications Services In The District Of Columbia;

TA04-1 through TA04-14, In The Matter Of The Approval Of Competitive Local Exchange Carrier to Provide Telecommunications Services In The District Of Columbia;

TA05-1 through TA05-13, In The Matter Of The Approval Of Competitive Local Exchange Carrier to Provide Telecommunications Services In The District Of Columbia;

TAC-19, In The Matter Of The Petition Of Verizon Washington, DC Inc. For Arbitration Of an Amendment To the Interconnection Agreements With Competitive Local Exchange Carriers And Commercial Mobil Radio Service Providers In Washington, DC, Pursuant To Section 252 Of The Telecommunications Act of 1996, As Amended, and The Triennial Review Order;

TIA05-15, TIA05-16, In The Matter Of The Approval Of Telecommunications Interconnection Agreements and Amendments.

TT94-10, In The Matter Of The Application Of the Chesapeake And Potomac Telephone Company For Authority To Amend The Miscellaneous Service Arrangements Tariff No. 211, Section 4;

TT05-1, In The Matter Of The Application Of Verizon Washington, DC Inc. For Authority To Amend The Local Exchange Services Tariff, P.S.C.-D.C.-No. 203;

TT05-2, In The Matter Of The Application Of Verizon Washington, DC Inc. For Authority To Amend The Local Exchange Services Tariff, P.S.C.-D. C.-No. 203;

Office of the Secretary of the  
District of Columbia

December 8, 2005

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after January 2, 2006.

Adams, Andrea	New	Swank Audio Visuals 2401 M St,NW 20037
Allison, Shirley	New	Wilmer Cutler et al 2445 M St,NW 20037
Alvarez, Valerie V.	New	1831 Irving St,NW 20010
Archer, Daffney T.	Rpt	Pillsbury Winthrop et al 2300 N St,NW 20037
Armwood, Thomasina M.	Rpt	Gonzaga High School #19 I St,NW 20001
Backstrom, Darlene	New	Wilmer Cutler et al 2445 M St,NW 20037
Bacon, Allison M.	New	M & T Bank 5630 Conn Ave,NW 20015
Bailey, Georgina	New	Champion Title 1133 Conn Ave,NW 20036
Barbour, Tanya D.	New	1425 T St,NW #601 20009
Barfield, Jr., Morris	New	4341 F St,SE 20019

Berry, Youshea A.	New	Law Office 1801 K St,NW#M100 20006
Bowler, Adaline A.	Rpt	Congressional Title 650 Pa Ave,SE#170 20003
Brent, Gaynelle	Rpt	Keller & Heckman 1001 G St,NW#500W 20001
Calhoun-Senghor, Keith	New	1429 Madison St,NW 20011
Choi, Mary Anne	New	Jay Choi,M.D. 819 E Cap St,SE 20003
Claus, Lisa	New	Bradley Arant Rose White 1133Conn Ave,NW12thF1 20036
Cooper, Denise	New	DeCarlo & Connor 101Const Ave,NW10thF1 20001
Dickens, Georgia M.	New	Bradley Arant Rose White 1133Conn Ave,NW12thF1 20036
Diggs, John	New	Chevy Chase Bank 1100 N J Ave,SE 20003
Dunlap, Carolyn S.	Rpt	Hessler & Associates 729 15 <sup>th</sup> St,NW#200 20005
Elwell, Manami F.	New	Bingham McCutchen 1120 20 <sup>th</sup> St,NW#800 20036
Enderson, Suzanne M.	Rpt	M A R Reporting 1717 K St,NW 20036
Espinueva, Evelyn R.	New	Conservation International 1919 M St,NW#600 20036
Faulkner, Tonya	Rpt	O I G 717 14 <sup>th</sup> St,NW5thF1 20005

DISTRICT OF COLUMBIA REGISTER

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Giles, Patricia A.	New	Food Marketing Institute 655 15 <sup>th</sup> St,NW 20005
Gordon, Jennifer L.	Rpt	Heller Ehrman 1717 R I Ave,NW 20036
Gourdine-Tyson, Natachia	New	Shearman & Sterling 801 Pa Ave,NW#900 20004
Haley, Praneet C.	New	Tompkins Builders 1333 H St,NW#200 20005
Hill, Yvette L.	New	Global Environment Fund 1225 I St,NW#900 20005
Holmes, Kenisha	New	Chevy Chase Bank 1100 N J Ave,SE 20003
Houwen, Morella D.	New	1404 42 <sup>nd</sup> St,SE 20020
Jenkins, Belva J.	Rpt	Johnson/JenkinsFuneralHm 716 Kennedy St,NW 20011
Johnson, Karen B.	Rpt	1810 Valley Terrace,SE 20032
Jones, Carole Aleda	New	G W Univ Hosp/Women's Ctr 901 23 <sup>rd</sup> St,NW 20037
Jones, Pauline	New	Loewinger & Brand 471 H St,NW 20001
Jones, Robyn	New	K C E Structural Engineers 1818 Jefferson Pl,NW 20036
Jones-Bosier, Tanya M.	New	O A G/Domestic Violence 441 4 <sup>th</sup> St,NW 20001
King, Jules J.	New	M & T Bank 6434 Ga Ave,NW 20012

11153

King, Maria	New	CitiBank 5250 MacA Blvd,NW 20016
Lambert, Renee	New	511 D St,SE 20003
Lee, Michele M.	Rpt	Akin Gump et al 1333 N H Ave,NW 20036
Leonard, Chauntel	New	Natl Parks Conserv Assoc 1300 19 <sup>th</sup> St,NW#300 20036
Lester, Thomas E.	New	Law Off/Calvin Steinmetz 2141 P St,NW#103 20037
McAllister, Sherry	New	N A S A 300 E St,SW 20546
McGee, Annette M.	New	G W Univ/School of Law 2000 H St,NW 20052
McGrail, Cathy A.	New	Bingham McCutchen 1120 20 <sup>th</sup> St,NW 20036
McGraw, Georgia A.	Rpt	The University Club 1135 16 <sup>th</sup> St,NW 20036
McMahon, Sean	New	Array Title & Escrow 1720 Wis Ave,NW 20007
Madden, Barbara Keller	New	Simpson Thacher Bartlett 555 11 <sup>th</sup> St,NW#725 20004
Mahon, Corin L.	New	McKee Nelson 1919 M St,NW#800 20036
Majette, Christine	New	Horning Brothers 1350 Conn Ave,NW#800 20036
Mathews, Michael G.	New	PhRMA 1100 15 <sup>th</sup> St,NW#900 20005



Matthews, Patricia P.	Rpt	Our Lady Queen of Peace 3800 Ely Pl, SE 20019
Mellor, Daniel L.	New	Law Office/Paul Pearlstein 1730 R I Ave, NW#505 20036
Merchant, Sean	New	Ctr for Community Change 1536 U St, NW 20009
Meredith, Rena B.	New	American Bankers Assoc 1120 Conn Ave, NW 20036
Miller, Kelley	New	Vaccine Fund 1130 Conn Ave, NW#1130 20036
Millett, Robert J.	New	US Senate/Disbursing Off H S O B, Rm 127 20510
Norris, Marjorie	Rpt	Heller Ehrman 1717 R I Ave, NW 20036
O'Brien, Elizabeth A.	New	Bracewell & Giuliani 2000 K St, NW#500 20006
Ogburn, Joyce M.	Rpt	Notary Commissions & Auth 441 4 <sup>th</sup> St, NW#810A 20001
Pannell, Cynthia	Rpt	DonohoeCos/Comp Bldg Serv 2101 Wis Ave, NW 20007
Parker, Valerie A.	Rpt	D C Hospital Assoc 1250 I St, NW#700 20005
Preciado, Patricia M.	New	Secor Group 1101 30 <sup>th</sup> St, NW#303 20007
Priest, Janice	New	Congressional F C U 2 <sup>nd</sup> & D Sts, SW 20036
Rafferty, Eileen	New	Adoption Ctr of Wash 1726 M St, NW#1101 20036

Rao, Epuri R.	Rpt	International Families 5 Thom Circle,NW 20005
Richmond, William F.	New	Simeone & Miller 1717 K St,NW#1000 20036
Sacharoff, Diane Rochelle	New	Deposition Services 2300 M St,NW#800 20037
Sakyi, Andrea	New	Progressive Life Center 1704 17 <sup>th</sup> St,NE 20002
Shaw, Victoria B.	New	Human Rights Campaign 1640 R I Ave,NW 20036
Simpson, Frankie	Rpt	Donohoe Construction 2101 Wis Ave,NW 20007
Sollosio, Jose M.	New	Main Door Realty 3604 14 <sup>th</sup> St,NW 20010
Staton, Angela	New	Akin Gump et al 1333 N H Ave,NW 20036
Strodel, Catherine M.	New	U S Senate/Disbursing Off H S O B, Rm 127 20510
Tate, Tiffany	New	Capital Guidance 2001 Pa Ave,NW#950 20006
Tillman, Cynthia	New	D O D/HQ 11 WG/AFDW/JA 20 MacDill Blvd 20032
Tran, Cathy	New	Bessemer Trust Company 1050 Conn Ave,NW#1060 20036
Tran, Leigh	New	Sidley Austin Brown Wood 1501 K St,NW 20005
Turner, Hope	New	D C P S Transportation 1709 3 <sup>rd</sup> St,NE 20002

Veres, Venetta House	Rpt	Jorden Burt 1025ThJeffSt,NW#400E 20007
Waite, Erin E.	New	U S Trust Company 600 14 <sup>th</sup> St,NW#400 20005
Watkins, Juanita	New	2625 Jasper St,SE#6 20020
Webb,Jr., Charles E.	Rpt	1669 Columbia Rd,NW#102 20009
Weiss, Randy Alan	Rpt	Cardinal Title & Escrow 1828 L St,NW#500 20036
Wichman, Christine	New	PriceWaterhouseCoopers 1301 K St,NW#600W 20005
Wright, Arnettia S.	New	Wright Law Group 1717 K St,NW#600 20036
Wright, Rhonda L.	New	N A F S A 1307 N Y Ave,NW#800 20005
Zeiss, Cynthia	New	The Washington Post 1150 15 <sup>th</sup> St,NW 20071

**STATE EDUCATION AGENCY  
UNIVERSITY OF THE DISTRICT OF COLUMBIA**

**NOTICE OF FUNDING AVAILABILITY**

*Adult and Family Literacy Services Grant*

The District of Columbia State Education Agency (SEA) is soliciting grant applications from qualified applicants to provide educational opportunities to adults that will improve their literacy skills and enable them to function more effectively as citizens, parents, and workers. Services funded under this grant must be provided to District of Columbia residents age 16 and older. The services are intended to:

- Enable adults to acquire basic literacy and educational skills, which will equip them to better fulfill responsibilities as parents/family members, citizens/community members and workers;
- Provide these adults with sufficient basic education to enable them to benefit from job training and employment opportunities, and to enable them to more fully enjoy the benefits and responsibilities of citizenship; and
- Enable adults who so desire to continue their education to at least the level of completion of secondary school.

Private, non-profit organizations that operate in the District of Columbia are encouraged to apply. The SEA will fund at least 15 grants in the range of \$75,000 - \$100,000, with an average grant amount of \$80,000.

The Request for Applications (RFA) will be released December 23, 2005 and the deadline for submission is February 3, 2006 at 5:00 pm. The RFA can be downloaded from the Executive Office of The Mayor, Office of Partnerships and Grants Development website at <http://opgd.dc.gov>, under "District Grants Clearinghouse". The RFA may also be obtained at the University of the District of Columbia, State Education Agency, 4340 Connecticut Avenue, NW, Room 302, Washington, DC 20008. Questions about obtaining the RFA may be directed to Keith Watson by e-mail at [kwatson@kairosmgt.com](mailto:kwatson@kairosmgt.com).

Applicants are encouraged but not required to submit a notification of intent to apply for this grant by January 20, 2006 to Keith Watson by e-mail at [kwatson@kairosmgt.com](mailto:kwatson@kairosmgt.com) or by fax at (202) 318-5638. Applicants are also encouraged to attend a pre-application conference, the time, date, and location of which are included in the RFA.

WASHINGTON CONVENTION CENTER AUTHORITY  
ADVISORY COMMITTEE

**MEETING CANCELLATION**  
**NOTICE**

Carmencita R. Kinsey, Chair, Washington Convention Center Authority Advisory Committee (WCCAAC) hereby gives notice to cancel the following regularly scheduled monthly meeting.

Thursday, December 15, 2005 – 5:00pm  
Washington Convention Center  
Executive Board Room

Questions or comments for the Advisory Committee may be directed to the 24-hour WCCA Community Hotline at (202) 249-3200.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17316 of Randle Highlands Manor Limited Partnership**, pursuant to 11 DCMR § 3104.1, for a special exception under § 353 and § 410 (new residential development), and pursuant to 11 DCMR § 3103.2, for a variance from the side yard requirements of § 405, to allow the development of ten single-family dwellings on a single subdivided lot in the R-5-A District at premises 2700 R Street, S.E. (Square 5585, Lot 812).<sup>1</sup>

**HEARING DATE:** May 10, 2005

**DECISION DATE:** June 7, 2005

**DECISION AND ORDER**

This application was filed with the Board on March 2, 2005 by Randle Highlands Manor, L.P., ("Applicant"), the owner of the property that is the subject of this application ("subject property"). The self-certified application requested a special exception and a variance to permit the Applicant to construct 10 single-family dwellings, including 2 lower-income units, on a single subdivided lot in an R-5-A zone district.

The Board held a hearing on the application on May 10, 2005, and at its June 7, 2005 decision meeting, voted 4-0-1 to grant the application.

**PRELIMINARY MATTERS**

Notice of Application and Notice of Hearing. By memorandum dated March 4, 2005, the Office of Zoning ("OZ") gave notice of the filing of the application to the Office of Planning ("OP"), the District Departments of Transportation ("DDOT") and Education, Advisory Neighborhood Commission ("ANC") 7B, the ANC within which the subject property is located, ANC Single Member District member 7B02, and the Council Member for Ward 7. Pursuant to 11 DCMR § 3113.13, OZ published notice of the public hearing in the *District of Columbia Register*, and on March 17, 2005, sent such notice to the Applicant, all property owners within 200 feet of the subject property, and ANC 7B.

Requests for Party Status. ANC 7B was automatically a party to this application and appeared as a party opponent. There were no other requests for party status.

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<sup>1</sup>The caption has been changed from that advertised to reflect the Applicant's changed plans and changed request for relief.

Applicant's Case. At the hearing, the Applicant's representative testified about the project and the community outreach performed by the Applicant. The Applicant's architect, in his testimony, discussed the design of the project and the need for the special exception and variance. A representative of the Anacostia Economic Development Corporation ("AEDC"), the nonprofit corporation with which the Applicant is associated, also testified concerning the requirement to provide lower-income housing imposed on the project.

Government Reports. The Office of Planning filed a report with the Board on May 3, 2005 recommending approval of the special exception and variance relief. OP supports row dwelling development for the subject property and opined that the Applicant's proposal would further a number of major themes of the Comprehensive Plan. In its report, OP analyzed the request for a special exception pursuant to § 353, and a side yard variance pursuant to § 405.2, but pointed out that a special exception as to lot width and lot area, pursuant to § 401.3, was unnecessary because in an R-5-A zone, § 401.3 stipulates that lot width and lot area are to be determined by the Board.

The Department of Housing and Community Development ("DHCD") submitted a memorandum dated May 3, 2005 to OP which OP attached to its report filed with the Board. In its memorandum, DHCD supports the application and notes positively, among other things, that, even the narrowest unit width of 16 feet, is "a standard width for townhouses."

DHCD also sent a letter dated June 2, 2005, to the Anacostia Economic Development Corporation, which the Applicant submitted to the Board. The letter explains that DHCD had loaned money to the AEDC to construct an assisted living facility on the subject property. However, in BZA Case 16896, the Board denied a special exception and variance application brought by AEDC and the Applicant to permit the construction of the assisted living facility. The letter states that DHCD will forgive the outstanding loan amount if at least two of the row dwellings to be constructed pursuant to this application are reserved for low to moderate income first-time home purchasers in the District of Columbia.

The District Department of Transportation submitted a report to the Board dated June 3, 2005 and expressed no objection to the final design of the Applicant's project.

ANC Report. On April 29, 2005, ANC 7B filed a preliminary report with the Board which did not take a position on the application. On June 1, 2005, however, the ANC filed its second report with the Board, which stated that at a properly noticed regular monthly meeting, with a quorum present, the ANC voted to recommend that the Board reject the application. In an attachment, the ANC set forth its reasoning. The ANC questioned the validity of two of the Applicant's contentions: that 10 is the minimum

number of homes that is economically feasible for this property and that the Applicant has covenanted to provide 2 homes for lower-income families (as opposed to 1).

## FINDINGS OF FACT

### Background

1. The subject property is located in an R-5-A zone district, at 2700 R Street, S.E. (Square 5585, Lot 812.)
2. The subject property is a rectangle encompassing approximately one-third of an acre, bordered to the west by R Street, S.E., and to the south by 27<sup>th</sup> Street, S.E. The property is vacant, but was previously developed with a 3-story apartment building, which was razed at some time in the past.
3. Just to the east of the property is a public alley and immediately to the north of the property is a large open parking area serving an apartment house located further to the north.
4. Between 1992 and 1998, four or five nonprofit organizations considered purchasing and residentially developing the subject property, but each one determined that the property was not economically viable to develop because the cost of construction, and therefore the cost of each unit, could not be afforded by people willing to live at this location.
5. In or around September, 1998, the AEDC purchased the subject property from the DHCD's Homestead Program for \$6,750.00.
6. AEDC, a non-profit corporation, partnered with the Applicant to develop the subject property.
7. One of the conditions of sale was that the Applicant had to sell "each unit to a first time homebuyer who will live in it for at least five years." Exhibit No. 23, Attachment B.
8. In 2003, in BZA Case No. 16896, this Board denied the Applicant's earlier application for a special exception and variance that would have enabled it to construct a multi-story assisted living facility on the subject property.
9. During the proceedings in Case No. 16896, members of the community expressed concern that the proposed multi-story facility was too dense a use for the subject property and that it would result in a negative impact on traffic.



10. After being denied the relief requested in Case No. 16896, the Applicant changed its proposal for the subject property to the current project of construction of single-family row dwellings.
11. In light of the changed nature of the proposal, the Applicant and the District of Columbia Housing Finance Agency ("DCHFA"), which provided the loan for the purchase of the subject property, entered into a Declaration of Covenants on September 3, 2004, whereby the Applicant agreed to set aside one residential unit for a family of very low income for a period of 10 years. *See*, Exhibit No. 32, Third Attachment.
12. DHCD has represented that, if permitted by law, it will forgive the loan for the property upon the recordation of a covenant running with the land by the Anacostia Economic Development Corporation reserving two or more of the ten town homes for low to moderate income first-time buyers. *See*, Exhibit No. 34.
13. Applicant represented to the Board that it intended to enter into this covenant and based its economic analysis on providing two or more of the ten town homes for low to moderate income first-time buyers. *See*, Exhibit No. 34.

#### The Proposed Project

14. The Applicant proposes to construct 10 residential units on the subject property, 8 of which will be attached in a row along 27<sup>th</sup> Street, S.E. The other 2 units will front on R Street, S.E., and will be attached to each other, but not to the row of 8 units.
15. Six of the units are matter of right row dwellings because they provide no side yards. 11 DCMR § 199.1, definition of "Dwelling, Row".
16. Four of the units have party walls on one side and side yards on the other. As such the units meet the definition of a one-family semi-detached dwelling. 11 DCMR § 199.1, definition of "Dwelling, One-Family, Semi-Detached".
17. One-Family Semi-Detached Dwellings in an R-5-A district are subject to the 8 foot side yard requirements for R-2 zones. 11 DCMR § 405.2 & 405.9.
18. The four units each have 0.2 foot side yards.

19. The subject property has a 15% grade change, with the land sloping up toward the east and southeast, with a rapidly increasing gradient, perhaps up to 45%, closest to the alley bordering the property to the east.
20. The sloping nature of the property increases site development costs, which must be distributed among the units. It also precludes rear vehicular access from the alley to the 8 units situated along 27<sup>th</sup> Street, necessitating that the Applicant provide access via a drive aisle from R Street.
21. The grade change will also necessitate the construction of a retaining wall between the rear of units 1 through 8 (along 27<sup>th</sup> Street) and the side of unit 9 (units 9 and 10 face R Street). The retaining wall will start at R Street and bisect the property, reaching a maximum height of approximately 10 feet at its northern end.
22. Each of the residential units will be approximately 20 feet in height, lower than the permitted 40-foot height, helping to ensure sufficient light, air and privacy to adjacent lots. *See*, 11 DCMR § 400.1.
23. Each unit will be between 33 and 35 feet long and 16 or 17 feet in width, except unit 1, the northernmost unit facing 27<sup>th</sup> Street, which will be just over 18 feet in width.<sup>2</sup>
24. The lot areas and lot widths chosen by the Applicant are in keeping with the character of the neighborhood, which includes lot areas and lot widths both larger and smaller than those created by the Applicant.
25. Each unit will have the required rear yard with a rear parking space. The parking spaces for the 8 units facing 27<sup>th</sup> Street will be accessible from the 20-foot-wide rear drive aisle which will have an access easement imposed on it. The drive aisle runs between the rear yards of units 1 through 8 and the side of unit 9 and its rear yard. Access to the rear parking spaces of units 9 and 10 will be provided from the public alley immediately to the east of the subject property.
26. Providing parking in the rear in lieu of street-facing garages permits the Applicant to make only one curb cut – for the drive aisle – instead of 8 separate curb cuts for eight individual driveways.

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<sup>2</sup>Because the subject property is in an R-5-A zone district, the minimum lot area and minimum lot width for each unit is “as prescribed by the Board pursuant to § 3104.” 11 DCMR § 401.3.

27. All of the units will be the same, with identical amenities, and will therefore cost the same amount to construct, but one unit will be sold to households earning approximately 50% of the average median income, and one will be sold for to households earning approximately 80% of the average median income. One additional unit may also be sold for a discounted price. (Transcript at 158)
28. With the 2 lower-priced units, and 8 units at "market price," gross sales receipts will be \$2,537,000, with costs to build of \$2,521,340, leaving a reserve of \$15,660. (See Exhibit 31)
29. If the required side yards were included in the project, a minimum of 2 units would be lost, rendering the project economically infeasible because the estimated gross sales receipts would be \$2,019,000, with cost to build of \$2,355,000, resulting in a loss of \$336,000. (See Exhibit 31)
30. The subject property cannot accommodate the required side yards and still provide sufficient room for 10 units, the minimum number of units necessary to make this project economically viable.
31. Two policies of the District of Columbia, which are also specific Ward 7 objectives of the Comprehensive Plan, are to provide affordable housing, particularly for low and moderate income households, and to encourage home ownership.

## CONCLUSIONS OF LAW

### The Special Exception

The Board is authorized to grant a special exception where, in its judgment, the special exception will be "in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property." 11 DCMR § 3104.1. Certain special exceptions must also meet the conditions enumerated in the particular section(s) pertaining to them. In this case, the Applicant had to meet the requirements of §§ 3104, 353, and 410.12 of the Zoning Regulations.

Section 353 of the Zoning Regulations states that, in R-5-A zone districts, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board as a special exception in accordance with § 3104 and § 410. Because the Applicant's development includes row dwellings, it falls within the parameters of § 353. Section 353, however, only requires the Board to refer the application to other appropriate agencies, and states what types of plans the

Applicant must submit to the Board. The substantive requirements of the special exception are set forth in § 410, and specifically 410.1 through 410.11. The *raison d'être* of § 410 is to permit more than one principal residential building on a single record lot,<sup>3</sup> as is the desire of the Applicant in this case.

The Applicant, however, cannot meet the requirement of § 410.8 that no more than four single-family dwellings shall face any street that abuts the lot. The Applicant, therefore, requests relief pursuant to § 410.12, which permits the special exception to be granted to an applicant which cannot meet all the requirements set forth in §§ 410.1 through 410.11, but can meet the three specific conditions enumerated in § 410.12.

The three conditions enumerated in § 410.12 are compliance with both § 410.4 and 410.5, and no adverse effect on the present character or future development of the neighborhood. Section 410.4 prohibits a rear or service entrance from abutting the front of any dwelling, and § 410.5 prohibits exterior stairways above the level of the main floor. The Applicant's development complies with both of these provisions. Lastly, section 410.12 requires that the group of buildings "shall not adversely affect the present character or future development of the neighborhood." This language is similar to that of the general special exception section, § 3104, which states that the special exception shall not tend to affect adversely the use of neighboring property, and must be in harmony with the general purpose and intent of the Zoning Regulations and Maps. The Board will, therefore, analyze these two sections together.

The Applicant has designed its development to be in harmony with the neighborhood. Each dwelling will be only 2 stories, and approximately 20 feet high. The width of each unit is comparable to row dwellings in the area, and has not been made artificially narrow in order to squeeze in more units. There is significant open space around each of the units so light, air, and privacy are not compromised. All the units have street frontage with small open areas for planting in front of each dwelling and open areas in the rear of each dwelling, accommodating parking. The two units facing R Street are approximately 40 feet from the rear of the row of 8 units facing 27<sup>th</sup> Street and are bordered on the other side by an alley, providing more open space. The fronts of the dwellings along 27<sup>th</sup> Street have been staggered to provide a more interesting streetscape.

The development is not overly-dense for the zone or the neighborhood and is less dense than other matter-of-right uses, such as a multiple dwelling. See, 11 DCMR § 350.4(c). Further, the development will have little or no negative impact on traffic or parking. Therefore, the Board concludes that the Applicant has met its burden of proof that the development will not adversely affect the use of neighboring property, or the present character or future development of the neighborhood.

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<sup>3</sup> Although the tax lot number of the subject property is given as 812, there is no indication in the record of the case of the record lot number.

The Variance

The Board is authorized to grant a variance from the strict application of the Zoning Regulations in order to relieve difficulties or hardship where "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition" of the property, the strict application of any zoning regulation "would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property...." D.C. Official Code § 6-641.07(g)(3) (2001), 11 DCMR § 3103.2. Relief can be granted only "without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map." *Id.* An applicant for an area variance must make the lesser showing of "practical difficulties," as opposed to the greater showing of "undue hardship," which applies in use variance cases. *Palmer v. Board of Zoning Adjustment*, 287 A.2d 535, 541 (D.C. 1972). The Applicant in this case, therefore, had to make three showings: uniqueness of the property, that such uniqueness results in "practical difficulties" to the Applicant, and that the granting of the variance would not impair the public good or the intent and integrity of the zone plan and regulations.

In determining uniqueness, the Board is directed to look at the property, including the physical land and the structures thereon, but it can also consider "events extraneous to the land." *De Azcarate v. Board of Zoning Adjustment*, 388 A.2d 1233, 1237 (D.C. 1978); *Capitol Hill Restoration Society v. Board of Zoning Adjustment*, 534 A.2d 939, 942 (D.C. 1987). The District of Columbia Court of Appeals has opined that the Board must be able to consider such events in order "to weigh more fully the equities in an individual case." *National Black Development Institute v. Board of Zoning Adjustment*, 483 A.2d 687, 690 (D.C. 1984). See also, *Downtown Cluster of Congregations v. Board of Zoning Adjustment*, 675 A.2d 484 (D.C. 1996) (market conditions); *French v. Board of Zoning Adjustment*, 658 A.2d 1023 (D.C. 1995) (previous chancery use); *Tyler v. Board of Zoning Adjustment*, 606 A.2d 1362 (D.C. 1992) (economic factors); *Gilmartin v. Board of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990) (easement); *United Unions v. Board of Zoning Adjustment*, 554 A.2d 313, 317-318 (D.C. 1989) (historic preservation requirements); *National Black Child Development Institute v. Board of Zoning Adjustment*, 483 A.2d 687 (D.C. 1984) (changes in zoning regulations); *Capitol Hill Restoration Society v. Zoning Commission*, 380 A.2d 174 (D.C. 1977) (private restrictive covenant); *Clerics of St. Viator v. Board of Zoning Adjustment*, 320 A.2d 291 (D.C. 1974) (societal changes).

The category of "events extraneous to the land" has been broadly interpreted by the Court of Appeals. Under this category fall events which have no immediate relationship to the property, such as the "extraordinary drop in enrollment of seminarians" found to be the uniqueness leading to undue hardship in *Clerics of St. Viator, supra*. Also under the

category of "events extraneous to the land" fall events which have a more direct connection to the property in question, such as an agreement or covenant placing restrictions on the use of the land, for example, the easement in *Gilmartin*, *supra*.

The Court of Appeals first recognized restrictive covenants as potentially important considerations in zoning decisions in *Capitol Hill Restoration Society v. Zoning Commission*, 380 A.2d 174 (D.C. 1977), where it stated that "[t]he existence of lawful private restrictions on land use is an actuality properly to be considered in zoning decisions."<sup>4</sup> *Id.*, at 185. Two years later, the Court of Appeals decided *Monaco v. Board of Zoning Adjustment*, 407 A.2d 1091 (D.C. 1979). The BZA order appealed to the Court in *Monaco* found, as one of the factors making the property "unique" under the first prong of the variance test, an agreement between the House Office Building Commission and Capitol Hill Associates, Inc., which restricted the building height and required the Architect of the Capitol to approve the exterior building design. The Board stated, as a conclusion of law, that such an agreement "uniquely affected" the property in question. The Court agreed with the Board's finding and conclusion, citing *Capitol Hill Restoration Society v. Zoning Commission* and its holding that private restrictive covenants may properly be considered in zoning decisions. But the Court in *Monaco* further stated:

*[t]he restrictions contained there [i.e., in the restrictive covenant] also may be considered in their own right as an extraordinary condition of a particular piece of property, since they effectively restrict design, height, and use to that which the BZA considered compatible with surrounding residential and governmental properties. (Emphasis added.)*

*Id.*, at 1099. *Monaco* therefore stands for the proposition that private restrictive covenants may be considered "in their own right" in variance cases, and specifically, that such covenants may be considered as evidence of an extraordinary or exceptional situation or condition under the first prong of the variance test.

In 1990, the Court decided *Gilmartin v. Board of Zoning Adjustment*, 579 A.2d 1164 (D.C. 1990), and restated its position that a private restrictive covenant may be considered as an extraordinary condition of a particular piece of property. In *Gilmartin*, the private agreement was an easement which affected the use of the property. The Court specifically stated that there was no reason to distinguish between the covenants in *Monaco* and the easement in *Gilmartin*. They are both private agreements restricting the design or use of the land to which they apply. The Court also pointed out in *Gilmartin* that the fact that encumbrances by easement may be common on other properties in the

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<sup>4</sup>Part of the holding in *Capitol Hill Restoration Society v. Zoning Commission*, pertaining to an interpretation of the application of the Comprehensive Plan and the role of the National Capital Planning Commission, was later overruled in *Citizen's Ass'n. of Georgetown v. Zoning Commission*, 392 A.2d 1029 (D.C. 1978). The holding that private agreements should be considered in zoning decisions was, however, not even questioned in the later case.

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neighborhood and, for that matter, in other neighborhoods, does not negate their consideration as a uniqueness factor for any particular property. The effect of the easement on the property at issue and whether it leads to a practical difficulty under the variance test are what count in determining whether any particular easement or other private agreement constitutes a factor in uniqueness. In *Gilmartin* the Court found that the particular location of a carriage house in relation to the property boundaries and the easements created a unique confluence of factors that made it necessary for the intervenors to seek the variances in order to convert their two-story carriage house into a single-family residence.

As in *Gilmartin*, there is in this case a confluence of factors between the topography of the land and restrictive agreements. In this case the size and contour of land in combination with restrictions placed upon its development by the Anacostia Economic Development Corporation's purchase agreement under the District of Columbia Homestead Housing Preservation Program, and the subsequent covenants with the Department of Housing and Community Development (DHCD) create a unique situation not shared by others in the neighborhood or by others who may also have a covenant with DHCD. That unique situation gives rise to Applicant's practical difficulty of being unable to develop the property in accordance with its obligations under the program restrictions placed upon it in conjunction with the purchase of the property and the subsequent covenants, without the requested variances.

The District of Columbia sold the property to the Anacostia Economic Development Corporation under the District of Columbia Homestead Housing Preservation Program subject to the condition that all units be sold to first time buyers who will live in them for five years. While the term "affordable housing" may be subject to various definitions and levels of affordability, it is clear in this case that this property is being developed by a non-profit organization not for profit, but to provide housing to first time buyers at various affordable levels. However, the Applicant cannot provide the affordable housing at any cost -i.e. without covering construction costs. The Board credits the Applicant's claim that it must construct a minimum of 10 units in order to make the project viable. The subject property has a slope which adds to overall site preparation and construction costs and causes the need for a retaining wall. These added costs complicate the economics of the project. In addition, while the topography of the property would allow 8 units without zoning relief, i.e. with the required side yards, the 8 units marketed in accordance with the restrictions and obligations of the program and the covenants on the land would not net a return to cover the costs. In order to fit 10 units on the lot in a viable manner, consistent with all zoning requirements other than that for a side yard, with street frontage, sufficient open space, and parking, the Applicant needs zoning relief from the side yard requirements.

The practical difficulty arising out of the confluence of the topography of the site and Applicant's agreement to provide affordable housing is in part an economic one. But that

is not a reason for the Board to ignore it. In fact, in the past, the Board has been faulted by the Court of Appeals for refusing to consider an economic justification for area variances. In *Tyler v. Board of Zoning Adjustment*, 606 A.2d 1362 (D.C. 1992), the Board heard an application for area variances in which the applicant claimed that the uniqueness of having to "restore, preserve, and design around historic structures" led to an economic practical difficulty. The applicant in *Tyler* stated that the floor area ratio and height variances requested were necessary, in essence, to make the project economically feasible. The Board refused to base its decision on economic factors, but granted the variances on other grounds. The Court remanded, looking for a further exposition of these grounds or a consideration of the evidence of economic feasibility and explicit findings relevant to it.

Significantly, the Court in *Tyler* went out of its way to correct what it called the Board's "misunderstanding of [its] precedents" concerning the consideration of economic evidence of hardship or practical difficulty. *Id.*, at 1366. The Court categorically stated that it "had never held that proof of economic burden is irrelevant to the decision whether to grant an area variance," only that financial considerations alone are insufficient. The economic burden must be related to a unique condition of the property. See, *Gilmartin, supra* and *Monaco, supra*.

It could be argued that the Applicant has imposed a difficulty on itself by voluntarily entering into agreements with DHCD and DCHFA to provide the affordable housing units and that it should not now be heard to complain about the effect of those agreements on the project. While the Court of Appeals has in some instances held that a variance cannot be granted where the affirmative action of the Applicant makes the property non-conforming, in those instances the Applicants were solely responsible for changing their property and the changes resulted in substantial detriment to the public and impairment of the intent and integrity of the zone plan. See, e.g. *Carliner v. Board of Zoning Adjustment*, 412 A.2d 52 (D.C. 1980) (Court would not disturb Board's determination that petitioner's subdivision of property into three lots, leaving one useless without variance relief, was of the petitioner's making and justified denial of the variance.) and *Taylor v. Board of Zoning Adjustment*, 308 A.2d 230 (D.C. 1973) (Applicant subdivided lot in manner that could not be improved in conformance with regulations and variance would have had the effect of rezoning the property.) The Court of Appeals has even questioned the validity of the application of the self-created hardship doctrine to an area variance in general and has therefore applied it narrowly. See, *De Azcarate v. Board of Zoning Adjustment*, 388 A.2d 1233 (D.C. 1978) ("the doctrine of self-created hardship, *whatever its validity in this jurisdiction*" held not applicable where intervenor's subdivision of the property resulted in a lot that could not be improved without variance relief due in part to actions of zoning officials.) and *Russell v Board of Zoning Adjustment*, 402 A.2d at 1236, n.7 (DC 1979); "This court has held that the self-created hardship doctrine does not apply to an application for an area variance", citing, *inter alia* *A.L.W., Inc. v Board of Zoning Adjustment*, 338 A.2d 428, 431-32 (D.C. 1975.) In



*Russell*, the Court noted that the general rule in this jurisdiction is that self-imposed difficulty or hardship "is not a bar to an area variance." *Gilmartin, supra*, at 1169, and cases cited therein. Rather, the self-imposed nature of a difficulty is but one factor to be considered by the Board. *Tyler, supra* at 1368, n.9; *Block v Board of Zoning Adjustment*, 384 A2d at 678 (DC 1978), and the "nature and extent of the burden which will warrant an area variance is best left to the facts and circumstances of each particular case." *Palmer v. D.C. Board of Zoning Adjustment*, 287 A.2d 535, 542 (D.C. 1972).

In this case, the practical difficulty is caused by a confluence of the topographical features of the property and the agreements with the District of Columbia government, not solely by the actions of the Applicant. Further, the area variances are not sought to ensure any profit, but rather to enable the development of affordable housing at a site designated by the District of Columbia government for that purpose.

The last prong of the variance test requires that granting the application would not be detrimental to the public good and would not impair the intent, purpose and integrity of the Zoning Regulations and Map. As alluded to above in the discussion of special exception relief, the Board concludes that the Applicant's project will not be detrimental to the public good and will not impair the Zoning Regulations and Map. The dwellings will not be too high, or too narrow, and therefore, the density of the project is appropriate for the neighborhood. The low height and the open space provided around the units allow for the flow of light and air and for the protection of privacy. The provision of the required parking, and specifically, the provision of parking in the rear, helps the development fit into the neighborhood with only a minimal, if any, impact on traffic and parking.

Finally, granting the variance will not only have no adverse impact, but it will also further the public good. It will provide affordable housing in furtherance of specific policies of the District of Columbia set forth in the Comprehensive Plan, and specifically the Ward 7 objectives stated therein – to provide affordable housing, particularly for low to moderate income households, and to encourage home ownership. "[I]mportant public interest concerns as well as potential hardship to the public are properly considered as factors in BZA determinations of variance relief." *Williams v Board of Zoning Adjustment*, 535 A.2d 910, 911 fn. 2 (D.C. 1988), citing *National Black Child Development Institute, Inc v. Board of Zoning Adjustment*, 483 A2d. 687, 690 (D.C. 1984), and *Monaco, supra* at 1098.

### Great Weight

The Board is required to give "great weight" to issues and concerns raised by the affected ANC and to the recommendations made by the Office of Planning. D.C. Official Code §§ 1-309.10(d) and 6-623.04 (2001). Great weight means acknowledgement of the issues

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and concerns of these two entities and an explanation of why the Board did or did not find their views persuasive.

The Office of Planning recommended granting the special exception and variance relief requested, and the Board agrees with this recommendation. ANC 7B, however, recommended against granting the application. The ANC explained that it was not persuaded by the Applicant's contention that it was economically infeasible to construct fewer than 10 units, but the ANC based its explanation on the earlier covenant requiring one lower-income unit. The ANC apparently did not credit the Applicant's statement at the hearing that it had to provide 2 such units. However, this fact was substantiated to the Board's satisfaction by the letter from DHCD filed in the record by the Applicant after the hearing. *See*, Exhibit No. 34. Accordingly, the Board does not find the ANC recommendation persuasive, particularly because it was based on inaccurate or dated information.

Based on the record before the Board and for the reasons stated above, the Board concludes that the Applicant has satisfied the burden of proof with respect to the application for a special exception pursuant to §353 and § 410 (new residential developments) and for a variance from the side yard requirements of § 405. It is therefore **ORDERED** that the application is hereby **GRANTED**.

**VOTE:**       **4-1-0**       (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller and John A. Mann, II, to grant; Kevin Hildebrand, sitting Zoning Commission member, to deny.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member has approved the issuance of this order granting this application.

**FINAL DATE OF ORDER:** **DEC 12 2005**

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

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PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

LM

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17400 of Peter and Katherine Powers**, pursuant to 11 DCMR §§ 1202.1 and 3104.1, for a special exception to construct a rear addition to an existing single-family row dwelling under section 223, not meeting the court requirements (section 406) in the CAP/R-4 District at premises 325 A Street, S.E. (Square 788, Lot 38).

**HEARING DATE:** December 13, 2005

**DECISION DATE:** December 13, 2005 (Bench Decision)

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. ANC 6B submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

**VOTE:**        **5-0-0**            (Geoffrey H. Griffis, John A. Mann, II, Ruthanne G. Miller  
Curtis L. Etherly, Jr. and Michael G. Turnbull to approve)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:**    DEC 14 2005

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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TWR

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